



16601  
28 July 2004

## MEMORANDUM

*Richard M. Kaser*  
From: RICHARD M. KASER  
MSO HOUSTON-GALVESTON

To: DISTRIBUTION

Subj: SUBMITTAL OF CHANGES TO NOTICE OF ARRIVALS WITHIN THE VTS  
HOUSTON-GALVESTON AREA (CHANGE 3)

Ref: (a) 33 CFR 160.212 (a)(3)  
(b) 33 CFR 160.208 (a)-(c)  
(c) 33 CFR 160.206 (b)(2)  
(d) 33 CFR 160.214

1. The regulations under ref (a) requires advance notification of arrival (NOA) for U. S. and foreign vessels bound for or departing from ports or places in the United States. Ref (b) requires notification of changes to submitted NOA's 12 to 24 hours prior to a vessel's arrival at the port or place of destination, depending on the remaining voyage time when the changes are identified. Updated NOA's are not required for any changes in arrival or departure times that are less than six hours.

2. "A port or place of destination" is defined as "any port or place in which a vessel is bound to anchor or moor". Thus, advance notification of arrivals at piers, facilities and anchorages in the United States to which a vessel intends to transit is required under ref (a), in addition to notification of arrivals at U. S. ports. Due to the nature of vessel operations in the MSO Houston-Galveston zone, a vessel may be on a rotation of numerous facilities to receive or discharge cargo during a single port visit. If any change occurs, it results in changes to the rest of the rotation, all of which would involve changes of more than 6 hours. Ref (b) requires notification of the change at least 12 hours before entering the port or place of destination. If notification is not submitted within the specified timeframe, the vessel would be required to wait out the mandated timeframe before being allowed to transit to the next facility.

3. Per ref (c), towing vessels in control of Certain Dangerous Cargoes and operating solely\* between ports or places in the continental U.S. must submit NOA's before departure, but at least 12 hours before entering the port or place of destination. Changes to an NOA as soon as possible, but at least 6 hours before entering the port or place of destination.

\*A tow is considered to be operating "solely" between ports or places in the continental U. S. if it has not operated outside the continental U. S. (the "lower 48 states") during its current voyage.

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4. In addition to the extensive administrative burden of numerous update filings, these intra-port changes, and associated delays, also pose significant backups at facilities which would have a significant negative impact on the maritime transportation system, if vessels are required to comply strictly with notification requirements and timelines. The presence of Vessel Traffic Service Houston-Galveston (VTS) provides immediate information on vessel movements within the port, therefore continuous updates of changes in arrival time from facility to facility is not critical to maintain maritime domain awareness within this port.

5. Ref (d) provides waiver provisions for the Captain of the Port for any requirement in 33 CFR Part 160 upon finding the vessel, route, area of operations, conditions of the voyage, or other circumstances are such that application of this subpart is unnecessary or impractical for purposes of safety, environmental protection, or national security. As coverage provided by VTS Houston-Galveston provides a level of Maritime Domain Awareness equivalent to that provided by the update notifications, and in light of the highly dynamic schedule changes associated with vessel movements within the port, the Captain of the Port Houston-Galveston exercises this waiver authority in regard to submittal of notifications of arrivals or schedule changes involving movement from one port or place to another within the VTS Houston-Galveston Area.

6. The Captain of the Port Houston-Galveston issues the following waivers:

- (a) At MARSEC 1, if all required information has been submitted in the original NOA for each port or place the vessel intends to visit in the VTS Houston-Galveston Area, changes in arrival times to those destinations need not be reported. The waiver may not be applied to transits within the area involving a port or place not listed on the original NOA. An updated NOA is mandatory when rotating to Freeport, or when adding a new port or place to the vessel's itinerary. This waiver does not apply when the port is at MARSEC 2 or higher.
- (b) At MARSEC 1, for vessels already in the VTS Houston-Galveston Area and wishing to go to other ports or places in the VTS Houston-Galveston Area not previously reported on an NOA, the notification timeframe for arrivals into those port/places is revised from the timeframe required under 33 CFR 160.208 to no less than 6 hours, if there are no crew changes involved. Updates involving crew changes must be filed within the timeframes required by 33 CFR 162.08. This waiver does not apply when the port is at MARSEC 2 or higher.

7. The Vessel Traffic Service Houston-Galveston Area consists of the following major waterways and portions of connecting waterways: Galveston Bay Entrance Channel; Outer Bar Channel; Inner Bar Channel; Bolivar Roads Channel; Galveston Channel; Gulf ICW and Galveston-Freeport Cut-Off from Mile 346 to Mile 352; Texas City Channel; Texas City Turning Basin; Texas City Canal Channel; Texas City Canal Turning Basin; Houston Ship Channel; Bayport Channel; Bayport Turning Basin; Houston Turning Basin; and the following precautionary areas associated with these waterways as outlined in 33 CFR Table 161.35(b): Bolivar Roads, Red Fish Bar, Bayport, Morgans Point, Upper San Jacinto, Baytown, Carpenters, Jacintoport, Greens, Hunting Bayou, Sims, Brady Island, Buffalo Bayou. The outer anchorage (Galveston Fairway Anchorage) is not currently in the VTS

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Houston- Galveston Area; however, the VTS is currently monitoring the anchorage and anticipates its AOR will be expanded to include that segment in the future, For the purposes of this policy, it will be treated as part of the VTS Houston-Galveston Area.

The Chart below provides further information on the applicability of waivers within the zone.

#### WAIVER ELIGIBILITY CHART

Eligible for NOA <i>Change</i> Submission waiver if:	NOT eligible for NOA <i>Change</i> Submission waiver if:
<ul style="list-style-type: none"><li>➤ <i>Port is at MARSEC 1; and</i></li><li>➤ <i>NOA submitted for all destination ports and places within the zone; and</i></li><li>➤ <i>All information required in the NOA has been submitted; and</i></li><li>➤ <i>Schedule Change involves transits within VTS Houston-Galveston Area; and</i></li><li>➤ Tows controlling vessels with CDC cargoes operating solely within the continental U. S.</li></ul>	<ul style="list-style-type: none"><li>➤ Port is at MARSEC 2 or 3; or</li><li>➤ Destination not listed in original NOA</li><li>➤ Incomplete NOA submitted; or</li><li>➤ Schedule change involves transits to or from ports or places outside VTS Houston –Galveston Area, or</li><li>➤ Tows controlling vessels with CDC cargoes <b>NOT</b> operating solely within the continental U. S.</li></ul>
Eligible for NOA Submission waiver if:	NOT eligible for NOA Submission waiver if:
<ul style="list-style-type: none"><li>➤ <i>Port is at MARSEC 1; and</i></li><li>➤ <i>Vessel submitted a satisfactory NOA and is already within VTS Houston-Galveston Area; and</i></li><li>➤ <i>No changes other than new destination port/place from previously submitted NOA (crew); and</i></li><li>➤ <i>New destination port/place is within VTS Houston-Galveston Area</i></li></ul>	<ul style="list-style-type: none"><li>➤ Port is at MARSEC 2 or 3; or</li><li>➤ Vessel is not currently within VTS Houston-Galveston Area;</li><li>➤ Changes other than destination port/place has changed since original NOA submittal into VTS Houston-Galveston Area, or</li><li>➤ Destination port/place is outside VTS Houston – Galveston Area</li></ul>

All Italicized requirements must be met by waiver applicants to be eligible.

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